

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 6:17-cr-60038

NICO DESHAWN DANIELS

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed February 19, 2021, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 98). Judge Bryant recommends that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (ECF No. 89) be denied and dismissed with prejudice. Judge Bryant also recommends no Certificate of Appealability issue in this matter because Petitioner has procedurally defaulted on all claims and even if he had not procedurally defaulted, his claims are without merit.

Plaintiff has not filed objections to the Report and Recommendation, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1). Being well and sufficiently advised and finding no clear error on the face of the record, the Court adopts the Report and Recommendation (ECF No. 98) *in toto*. Petitioner's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (ECF No. 89) is hereby **DENIED**.

IT IS SO ORDERED, this 8th day of March, 2021.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge